THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.186 OF 2006

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ORAL ORDER:

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Heard both sides and perused the material on record.

The petitioner is a practicing Advocate in the District and other subordinate Courts in Nalgonda district. In G.O.Rt.No.1284, Home (Services-III) Department, dated 18.08.2004, Government has accorded sanction for appointment of 25 legal advisers to the Superintendents of Police on contract basis for a period of one year on experimental basis. In pursuance thereof, by order dated 20-08-2005 issued by the 1st respondent-Superintendent of Police, Nalgonda, the petitioner was informed that it was decided to utilize his services as legal advisor in the District Police Office, Nalgonda on a monthly honorarium of Rs.7,000/- with effect from 1.09.2005. While so, under the impugned order dated 23.12.2005, the services of the petitioner were withdrawn with immediate effect on administrative grounds by paying one month's honorarium. The said order is questioned in this Writ Petition.

Though in the impugned order it was stated that the services of the petitioner were terminated on administrative grounds, in the counter-affidavit filed by the 1st respondent-Superintendent of Police, it has been explained that from the newspapers/clippings it was noticed that the petitioner is the President of Akhila Bharatha Yadava Maha Sabha, which is a community organization of Yadava Caste and the Inspector of Police, District Special Branch, Nalgonda was asked to cause confidential inquiry against the petitioner. Accordingly, the Inspector of Police, District Special Branch, Nalgonda made confidential inquiry against the activities of the petitioner and submitted his report vide Lr.C.No.989/SB/2005, dated 21.12.2005 stating that the petitioner belongs to Yadava (BC-D) community and is working as President of Akhila Bharatha Yadava Maha Sabha, which is a community organization of Yadava Caste. It was also noticed that he is also legal advisor to the Andhra Jyothi daily newspaper (Legal Cell) Nalgonda. He was working as Legal Advisor (Legal Cell) to Andhra Jyothi daily newspaper before his appointment and is continuing in the same capacity even after his appointment as legal advisor in the

District Police Office, Nalgonda.

From the above averments, it is clear that the impugned order was passed on certain allegations against the petitioner, but not on administrative grounds as stated in the impugned order. In the circumstances, undoubtedly, it casts a stigma on the petitioner, and such an order cannot be passed without affording an opportunity to the petitioner to rebut the allegations.

Accordingly, the impugned order is set aside leaving it open to the respondents to pass appropriate orders in accordance with law after affording due opportunity to the petitioner to explain the allegations made against him.

The Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

9th March, 2006.

Issue CC by today.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.186 OF 2006

9th March, 2006.

Between:

N. Gopala Krishna. .. Petitioner.

And

The Superintendent of Police, Nalgonda and

another. .. Respondent.